EXHIBIT A

		URT OF MASSACHUSETTS	DOCKETNIC
CIVIL ACTION COVER SHEET		COURT DEPARTMENT	_ DOCKET NO
	COUNTY	SUFFOLK	
	OF	Wie-	North America Corporation and
PLAINTIFF(S)James Whitley		DEFENDANT(S) Linde	Material Handling North Amer oration
Type Plaintiff's Attorney name, Ac Phone Number and			Attorney Name, Address, City/State/Zip Phone Number (If Known)
rian Keane aplan Bond Group B Black Falcon Ave., Suite 301 oston, MA 656717			
		RACK DESIGNATION (Se	-
CODE NO. TYPE OF ACTION	(specify) TRA	ACK	IS THIS A JURY CAS
B05 Product Liability - Average	Track		•] Yes
The following is a full, itemized an noney damages. For this form, di			
1. Total hospital expenses 2. Total doctor expenses 3. Total chiropractic expen 4. Total physical therapy e 5. Total other expenses (de 6. Documented lost wages and o 7. Documented property damas 8. Reasonably anticipated futur 9. Reasonably anticipated lost w 9. Other documented items of d 9. Brief description of plaintiff 9. Fracture of Lef	expenses escribe) Radiol compensation to ges to date re medical expensages and compensages (describes injury, includi	date uses ensation to date oe) ng nature and extent o	\$ 32,766 \$ 7440 \$ N/A \$ 11,414 \$ 3258 \$ 54,878 \$ TBD \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$
rovide a detailed description of c	(Attach addition	RACT CLAIMS onal sheets as necessar	S SEE SEE
			TOTAL \$
OURT DEPARTMENT			ACTION PENDING IN THE SUPERIO
I hereby certify that I have complied with the cule 1:18) requiring that I provide my clients dvantages and disadvantages of the various ignature of Attorney of Record	with information abo	le 5 of the Supreme Judicial C out court-connected dispute re	ourt Uniform Rules on Dispute Resolution (secolution services and discuss with them the

You need not appear personally in court to answer the complaint, but if you claim to have a defense, either you or your attorney must serve a copy of your written answer within 20 days as specified herein and also file the NOTICE TO DEFENDANT original in the Clerk's Office

Commonwealth of Massachusetts

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT OF THE TRIAL COURT CIVIL ACTION

	No. 15-2591			
ITLEY	, Plaintiff(s)			

LINDE MATERIAL HANDLING ET AL.

v.

JAMES WH

. Defendant(

IS SEP 30 PH 2: 56

SUMMONS

To the above-named Defendant:

You are hereby summoned and required to serve upon Brian Keane of The

plaintiff's attorney, whose address is 88 Black Falcon Ave, Ste 301, Bost, can answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at Boston either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

Witness, Judith Fabricant, Esquire, at Boston, the ______day of _____, in the year of our Lord two thousand ______.

Michael Joseph Donovan

Clerk/Magistrate

NOTES

- 1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
- 2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.
- 3. TO PLAINTIFF'S ATTORNEY: PLEASE CIRCLE TYPE OF ACTION INVOLVED (1) TORT -(2) MOTOR VEHICLE TORT -(3) CONTRACT -(4) EQUITABLE RELIEF -(5) OTHER



COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT C.AINO: 2591

JAMES WHITLEY, Plaintiff,

V.

LINDE MATERIAL HANDLING
NORTH AMERICA CORPORATION,
KION NORTH AMERICA CORPORATION
Defendants.



SHERIFF'S OFFICE CIVIL PROCESS

INTRODUCTION

1. This is a products liability action for money damages arising out of an incident where a Linde #3, manufactured by either Linde Material Handling North America Corporation (hereinafter "Linde") or Kion North America Corporation (hereinafter "Kion") overturned and injured the plaintiff.

PARTIES

- The plaintiff, James Whitley, is an individual and resides at 21 Frisbie Road, Marshfield,
 Massachusetts.
- 3. The defendant, Linde Material Handling North America Corporation, is a corporation with a principal place of business located at 2450 W. 5th North Street, Summerville, SC.
- 4. The defendant, Kion North America Corporation., is a corporation with a principal place of business located at 2450 W. 5th North Street, Summerville, SC.

FACTS

- On or about August 31, 2012, Mr. Whitley was working as a Longshoreman/Harbor
 Worker in the Conley Terminal located in South Boston and was operating a Linde or
 Kion #3 forklift truck.
- 6. While Mr. Whitely was moving an empty reefer box (refrigerated container), the forklift truck flipped over crushing his leg.

COUNT I

<u>James Whitley v. Linde Material Handling North America</u> (Negligence)

- 7. Paragraphs 1-6 are adopted by reference.
- 8. Linde owed a duty of care to Mr. Whitley.
- 9. Linde breached that duty through negligence in the design, manufacturing, testing, inspection, distribution, and inadequate warnings for the forklift truck as well as in other respects that will be shown at trial.
- 10. As a direct and proximate result of Linde's breach, Mr. Whitely was seriously injured.

REQUEST FOR RELIEF

For these reasons, the plaintiff demands as follows:

- a. That this court enter judgment in his favor against the defendant.
- b. That this court enter such other and further relief as it deems appropriate.

COUNT II

James Whitley v. Kion North America Corporation (Negligence)

- 11. Paragraphs 1-10 are adopted by reference.
- 12. Kion owed a duty of care to Mr. Whitley.

- 13. Kion breached that duty through negligence in the design, manufacturing, testing, inspection, distribution, and inadequate warnings for the forklift truck as well as in other respects that will be shown at trial.
- 14. As a direct and proximate result of Kion's breach, Mr. Whitely was seriously injured.

COUNT III

James Whitley v. Linde Material North America Corporation (Breach of Implied Warranty of Merchantability)

- 15. Paragraphs 1-14 are incorporated herein and adopted by reference.
- 16. Linde impliedly warranted that the forklift truck was of merchantable quality.
- 17. Linde breached its warranty of merchantability by manufacturing and placing in the stream of commerce a forklift truck that was defective and unreasonably dangerous.
- 18. Mr. Whitley suffered serious personal injuries as a direct and proximate result of Linde's breach and was obliged to expend money for medical care and attendance.

REQUEST FOR RELIEF

For these reasons, the plaintiff demands as follows:

- a. That this court enter judgment in his favor against the defendant.
- b. That this court enter such other and further relief as it deems appropriate.

COUNT IV

James Whitley v. Kion North America Corporation (Breach of Implied Warranty of Merchantability)

- 19. Paragraphs 1-18 are incorporated herein and are adopted by reference.
- 20. Kion impliedly warranted that the forklift truck was of merchantable quality.
- 21. Kion breached its warranty of merchantability by manufacturing and placing in the stream of commerce a forklift truck that was defective and unreasonably dangerous.

22. Mr. Whitley suffered serious personal injuries as a direct and proximate result of Kion's breach and was obliged to expend money for medical care and attendance.

REQUEST FOR RELIEF

For these reasons, the plaintiff demands as follows:

- a. That this court enter judgment in his favor against the defendant.
- b. That this court enter such other and further relief as it deems appropriate.

THE PLAINTIFF REQUESTS TRIAL BY JURY ON ALL COUNTS

Respectfully submitted,

By his attorney

Brian Keane, B.B.O. No. 656717 THE KAPLAN/BOND GROUP 88 Black Falcon Avenue, Suite 301

Boston, MA 02210

(617) 261-0080

bkeane@kaplanbond.com

Dated: August 27, 2015